

REMARKS

Claims 1, 3, 4, 6-17, 20-26, 29, 34, 36-48 are pending in the Application, of which claims 1, 24, 25, 26, 34, 36, 37, 38, 39, 40, 42, 47 are independent. Claims 2, 5, 18, 19, 27, 28, 30-33 and 35 had been previously canceled. Claim 26 has been amended. No new matter was added.

Applicants respectfully urge that all of the claims are patentable and in condition for allowance.

I. Summary of Rejections

In the Office Action:

claims 26 and 29 were rejected under 35 U.S.C. § 101 because the claims are allegedly directed to non-statutory subject matter;

claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,877,138 to Fitzpatrick et al. (hereafter “Fitzpatrick”) in view of The MathWorks using Simulink, version 5 (hereafter “the Simulink reference”);

claims 8, 25 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent No. 6,407,753 to Budinsky et al. (hereafter “Budinsky”);

claims 7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent No. 6,070,006 to Iriuchijima (hereafter “Iriuchijima”);

claims 6, 16-17 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent No. 6,195,092 to Dhond (hereafter “Dhond”);

claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent No. 6,300,949 to Shudo et al. (hereafter “Shudo”);

claims 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent No. 6,738,964 to Zink et al. (hereafter “Zink”);

claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent Publication No. 2003/0132964 by Santori (hereafter “Santori”);

claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent Publication No. 2003/0132964 by Singh (hereafter “Singh”); and

claims 47 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of U.S. Patent Publication No. 2002/0069400 by Miloushev et al. (hereafter “Miloushev”).

These rejections are discussed below.

II. Claim rejections under 35 U.S.C. § 101

In the Office Action, the Examiner rejected claims 26 and 29 under 35 U.S.C. § 101. The Examiner recognizes that the claims are drawn to an apparatus. However, the Examiner alleges that all the means recited in the claims could exist as merely software. Applicants respectfully traverse this rejection.

Applicants’ claims 26 and 29 are directed to an apparatus. Applicants respectfully urge that an apparatus is statutory subject matter according to 35 U.S.C. § 101. However, in the interest of furthering prosecution, Applicants have amended claim 26 to include a processor configured to receive a selection of at least one characteristic of a source block in a block diagram, said selected at least one characteristic including at least one of a functional attribute, a

compiled attribute, an execution data field, a block method or a block parameter. Applicants believe that this amendment addresses the Examiner's concerns.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the above § 101 rejection of claims 26 and 29.

III. Claim Rejections under 35 U.S.C. § 103

A. Claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44

In the Office Action, claims 1, 3-4, 9-13, 23-24, 26, 29, 36-39 and 42-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference. Applicants respectfully traverse this rejection.

1. Claims 1, 3-4, 9-13 and 23

Applicants respectfully urge that Fitzpatrick and the Simulink reference, taken either alone or in any reasonable combination, do not disclose or suggest at least the following feature of claim 1: ***propagating said selected at least one characteristic to said destination block.***

The Examiner cites Fitzpatrick for the teaching of propagating at least one characteristic of a source block in a block diagram; however, the Examiner acknowledges that Fitzpatrick's characteristics are not the same as the Applicants' claimed characteristics. *See* Office Action, page 5. . Rather, the Examiner relies on the Simulink reference as disclosing Applicants' claimed characteristics and concludes that combining Fitzpatrick with the Simulink reference discloses Applicants ***propagating said selected at least one characteristic to said destination block.***

Applicants urge that neither reference provides an enabling disclosure with regards to ***propagating a selected at least one characteristic to a destination block***, where ***the selected at least one characteristic is at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter***. Fitzpatrick discusses propagating only graphical attributes. A functional attribute, a compiled attribute, an execution data field, a block method or a block parameter is not a graphical attribute. The Simulink reference discusses characteristics, however, similar to Fitzpatrick, the Simulink reference too is silent about

propagating a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter.

For reasons set forth above, Applicants respectfully urge that Fitzpatrick and the Simulink reference, taken either alone or in any reasonable combination, do not disclose or suggest at least the following all of the features of claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the above § 103 rejection of claim 1.

Claims 3-4, 9-13 and 23 depend from claim 1 and, as such, incorporate each and every feature of claim 1. Applicants urge that claims 3-4, 9-13 and 23 are allowable for at least the reasons discussed above for claim 1. Accordingly, Applicants respectfully request that Examiner withdraw the above § 103 rejection of claims 3-4, 9-13 and 23.

2. Claims 24, 26, 29, 36-39 and 42-44

Independent claims 24, 26, 34, 36, 37, 38, 39 and 42 include *propagating said selected at least one characteristic* where the at least one characteristic is *one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*. In light of the arguments presented above, Applicants respectfully urge that Fitzpatrick and the Simulink reference, taken either alone or in any reasonable combination, do not disclose or suggest at least this feature of claims 24, 26, 34, 36, 37, 38, 39 and 42.

Claim 29 depends from claim 26. Claims 43 and 44 depend from claim 42. Dependent claims incorporate each and every feature of the independent claim upon which they depend. Applicants urge that claims 24, 26, 29 and 42-44 are allowable for at least the reasons discussed above. Accordingly, Applicants respectfully request that Examiner withdraw the above § 103 rejection of claims 24, 26, 29, 34, 36, 37, 38, 39 and 42-44.

B. Claims 8, 25 and 34

In the Office Action, claims 8, 25 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Budinsky. Applicants respectfully traverse this rejection.

In light of the arguments presented above, Applicants respectfully urge that Fitzpatrick and the Simulink reference, taken either alone or in any reasonable combination, do not disclose or suggest at least *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in Applicants' claims 8, 25 and 34. Budinsky fails at curing the shortcomings of Fitzpatrick and the Simulink reference with respect to disclosing or teaching this claim feature. Budinsky generally discusses automatic and user guided rule-based matching and reconciliation for integrating one or more entities. *See* Col. 2, lines 56-59. Budinsky further indicates that the matching/reconciliation rules are stored such that they can be recalled and applied during a subsequent editing session when the input entities change or a new composite entity of the inputs is desired. *See* Col. 2, lines 59-63. Nowhere does Budinsky disclose or suggest ~~a~~*propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*.

For at least the reasons set forth above, the Applicants respectfully urge that Fitzpatrick, the Simulink reference and Budinsky, taken either alone or in any reasonable combination do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims ~~48~~, 25 and 34.

Accordingly, Applicants respectfully request that the Examiner withdraw the above §103 rejection of claims 8, 25 and 34.

C. Claims 7 and 21

In the Office Action, claims 7 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Iriuchijima. Applicants respectfully traverse this rejection.

Claims 7 and 21 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As discussed above, Fitzpatrick and the Simlink reference, taken either alone or in any

reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 7 and 21. In addition, Iriuchijima fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Iriuchijima, taken either singly or in any reasonable combination, fail to disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 7 and 21.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 7 and 21 under 35 U.S.C. § 103(a).

D. Claims 6, 16-17 and 20-22

In the Office Action, claims 6, 16-17 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Dhond. Applicants respectfully traverse this rejection.

Claims 6, 16-17 and 20-22 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As noted above, Fitzpatrick and the Simulink reference, taken either alone or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 6, 16-17 and 20-22. Dhond fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Dhond, taken either singly or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 6, 16-17 and 20-22.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 6, 16-17 and 20-22 under 35 U.S.C. § 103(a).

E. Claims 14 and 15

In the Office Action, claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Shudo. Applicants respectfully traverse this rejection.

Claims 14 and 15 depend from claim 1 and, as such, incorporate each and every feature of claim 1. As discussed above, Fitzpatrick and the Simulink reference, either taken alone or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 14 and 15. Shudo fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Shudo, taken either singly or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 14 and 15.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 14 and 15 under 35 U.S.C. § 103(a).

F. Claims 40 and 41

In the Office Action, claims 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Zink. Applicants respectfully traverse this rejection.

Claim 41 depends from claim 40 and, as such, incorporates each and every feature of claim 40. Claim 40 includes *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled*

attribute, an execution data field, a block method or a block parameter, which, as noted above, is not disclosed or suggested by Fitzpatrick and the Simulink reference. Zink fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Zink, taken either singly or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 40 and 41.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 40 and 41 under 35 U.S.C. § 103(a).

G. Claim 45

In the Office Action, claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Santori. Applicants respectfully traverse this rejection.

Claim 45 depends from claim 42 and, as such, incorporates each and every feature of claim 42. As noted above Fitzpatrick and the Simulink reference, taken either alone or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 45. Santori fails to disclose or suggest at least this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Santori, taken either singly or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 45.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claim 45 under 35 U.S.C. § 103(a).

H. Claim 46

In the Office Action, claim 46 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Singh. Applicants respectfully traverse this rejection.

Claim 46 depends from claim 42 and, as such, incorporates each and every feature of claim 42. As noted above Fitzpatrick and the Simulink reference, taken either alone or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 42. Likewise, Singh does not disclose or suggest this claim feature.

Therefore, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Singh, taken either taken either singly or in any reasonable combination, do not disclose or suggest *selecting at least one characteristic of a source block in a block diagram, said selected at least one characteristic being at least one of a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claim 46.

Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claim 46 under 35 U.S.C. § 103(a).

I. Claims 47 and 48

In the Office Action, claims 47 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitzpatrick in view of the Simulink reference and in further view of Miloushev. Applicants respectfully traverse this rejection.

Claim 48 depends from claim 47 and, as such, incorporates each and every feature of claim 47. As noted above, Fitzpatrick and the Simulink reference, taken either alone or in any reasonable combination, do not disclose or suggest *propagating said selected at least one characteristic to said destination block* wherein the characteristic is at least one of *a functional attribute, a compiled attribute, an execution data field, a block method or a block parameter*, which is present in claims 47 and 48. Miloushev fails to disclose or suggest at least this claim feature.

For the reasons set forth above, Applicants respectfully urge that Fitzpatrick, the Simulink reference and Miloushev, taken either singly or in any reasonable combination, do not disclose or suggest each and every feature of claims 47-48. Accordingly, Applicants respectfully request that the Examiner withdraw the above rejection of claims 47-48 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the above comments, Applicants believe the pending application is in condition for allowance and urges the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-033RCE. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

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Respectfully submitted,

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